

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:17 CR 43 RWS
)	
TERRANCE LONG, JR.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motions to suppress evidence and statements. [27]. The Court referred this matter to United States Magistrate Judge Patricia L. Cohen for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On August 4, 2017, Judge Cohen filed her Report and Recommendation that defendant's motion be denied. [37]. Defendant filed timely objections to the Report and Recommendation, and this Court has conducted a de novo review of all matters relative to defendant's motion and objections. After careful consideration, I will adopt and sustain Judge Cohen's thorough Report and Recommendation in its entirety.

In his objections, defendant restates his arguments raised in his motion to suppress, arguing that Judge Cohen incorrectly determined that defendant voluntarily approached the officers and was not in custody when he began speaking to them. I will overrule defendant's objection because there was ample evidence to establish that defendant was not in custody when he voluntarily spoke to Sergeant Scego in the backyard and accompanied Sergeant Scego and Officer Growe to the front of his residence as set out by Judge Cohen in her Report and Recommendation, and I adopt her factual findings and legal analysis as my own. Moreover, I also overrule defendant's objection with respect to his argument that he was subject to a "two-stage interrogation," as I agree with Judge Cohen that defendant was not in custody when he made his initial statement. As Judge Cohen correctly found, defendant provided the location of the weapon and gave consent to search after he was given his Miranda warnings. I adopt Judge Cohen's factual findings and legal analysis as my own. In his objections, defendant also restates the same argument with respect to the voluntariness of the search that he made to Judge Cohen. Defendant's argument that defendant did not voluntarily consent to the search of the home is summarily overruled as meritless for the reasons stated by Judge Cohen in her Report and Recommendation. Judge Cohen correctly decided

that defendant voluntarily gave consent to search the home, and I adopt her factual findings and legal analysis as my own.

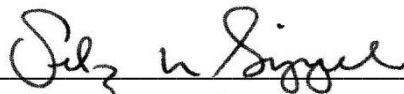
For the reasons set out in the Report and Recommendation, defendant's objections to Judge Cohen's recommendations are overruled, and the motion to suppress evidence and statements will be denied.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on August 4, 2017 [37] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [38] are overruled.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence and statements [27] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 17th day of October, 2017.